

ZB# 97-39

Polyworks, Inc.

35-1-54.21

Prelim.

October 27, 1997

Letter out - 2/24/98

Amended NOD.

adding rear yard sewer

fees here - notes to S&S

photos here - m 2/9/98

Public Hearing:

March 9, 1997.

Approved - ~~W~~Area

Refund: #349.00

#97-39-Polyworks, Inc.

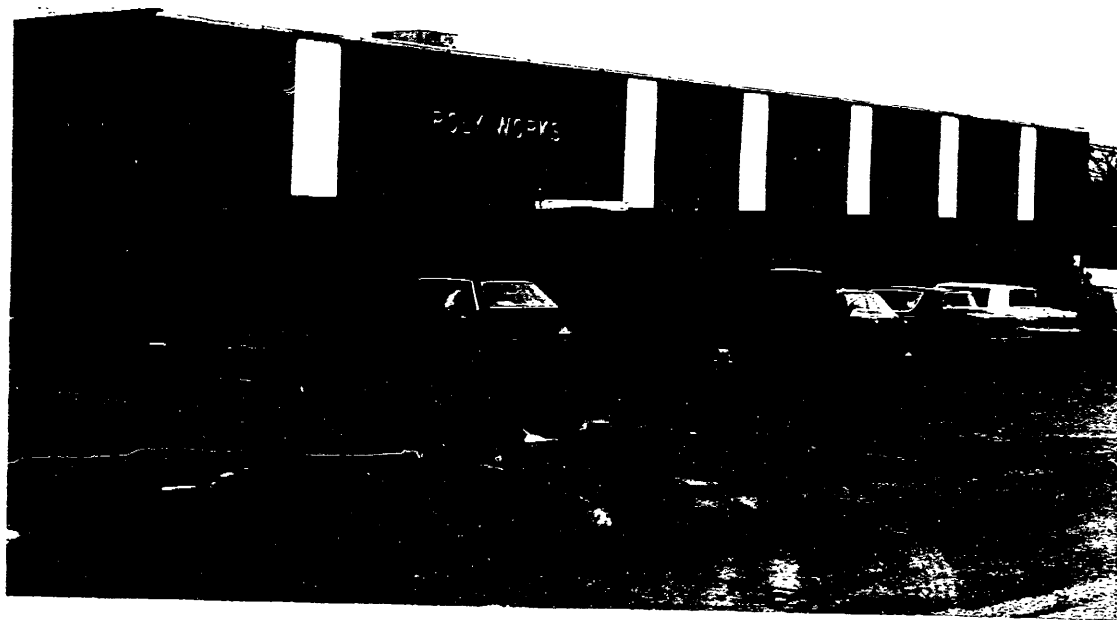
Interp. - 35-1-54.21

DATE Feb. 9, 1998 RECEIPT 340982
 RECEIVED FROM Poly Works
 Address _____
One Hundred Fifty 00/100 DOLLARS \$150.00
 FOR ZBA # 97-39

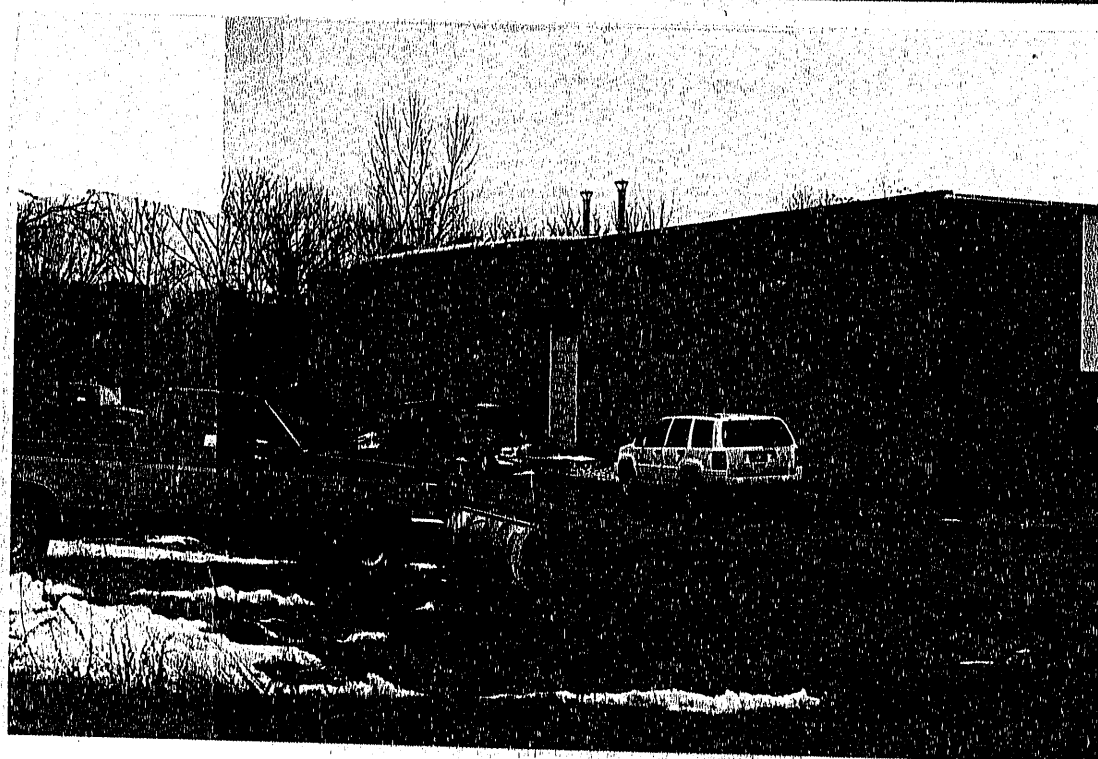
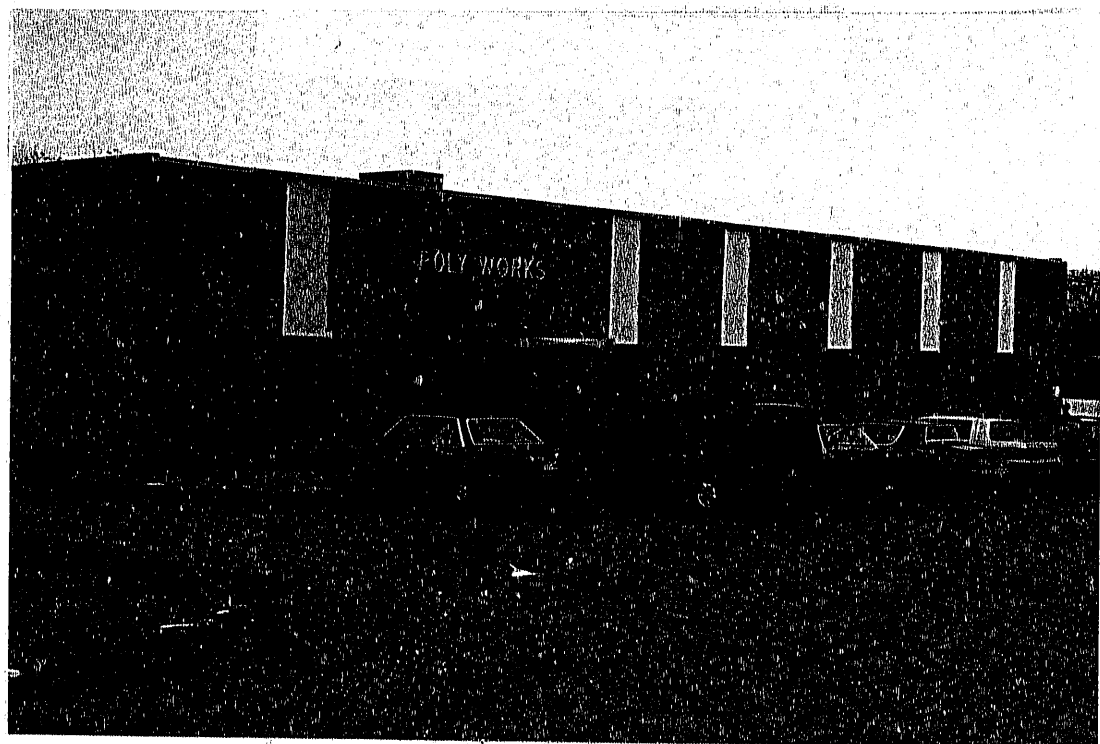
| ACCOUNT | | HOW PAID | |
|-------------------|--|-------------|------------------|
| BEGINNING BALANCE | | CASH | <u>OK #13864</u> |
| AMOUNT PAID | | CHECK | <u>150.00</u> |
| BALANCE DUE | | MONEY ORDER | |

Town Clerk

BY Dorothy N. Nangen



| | | | |
|---------|-------|-------|-------------------|
| PAID | CHEC | 75000 | DOWDALL N. NEW OR |
| PAVANCE | MONEY | | |
| DUE | ORDER | | |



041798, P29



Intorp. - 35-1-54.21

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Polyworks, Inc.

FILE# 97-39.

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA ☐

USE ☐

APPLICATION FOR VARIANCE FEE \$ 150.00

paid ck.
13864

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

paid ck.
2/9/98. # 13862

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 10/27 1998 \$ 40.50
2ND PRELIMINARY- PER PAGE 3/9/98 \$ 40.50
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 81.00.

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 10/27 \$ 35.00
2ND PRELIM. 3/9/98 \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING. \$ _____
PUBLIC HEARING (CONT'D) \$ _____
TOTAL \$ 70.00.

MISC. CHARGES:

..... \$ _____
TOTAL \$ 151.00.

LESS ESCROW DEPOSIT \$ 500.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT . \$ 349.00.

Date 3/17, 1998

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

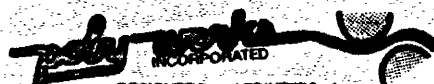
TO

Polyworks, Inc.

DR.

110 Corporate Drive, New Windsor, Ny.

[illegible]



DESIGNERS and PRINTERS of
FLEXIBLE PACKING

110 Corporate Drive • New Windsor, NY 12553

13864

PAY
TO THE
ORDER OF

DATE

1/28/98

50-235 623
219

Town of New Windsor

\$ 150.00

THE SUM 150.00

DOLLARS

THE
BANK OF
NEW
YORK

351 Windsor Highway
New Windsor, NY 12553

FOR

Application for ZBA #97-39.

Mildred Baker

⑆013864⑆ ⑆021902352⑆ ⑆6809102902⑆



DESIGNERS and PRINTERS of
FLEXIBLE PACKING

110 Corporate Drive • New Windsor, NY 12553

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FOR

esent ZBA #97-39.

Mildred Baker

⑆013862⑆ ⑆021902352⑆ ⑆6809102902⑆

In the Matter of the Application of

POLYWORKS, INC.

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE

#97-39.

WHEREAS, POLYWORKS, INC., a corporation with offices located at 302 Windsor Highway, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a finding under Section 48-24B(3) for additional existing, non-conforming uses and interpretation of proposed setback, parking and rear yard for construction of a second story addition to a building located at 110 Corporate Drive in a C zone; and

WHEREAS, a public hearing was held on the 9th day of March, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by Anthony J. Cappola, architect, for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.
2. The evidence presented by the Applicant showed that:
 - (a) This is a commercial use which is a pre-existing, non-conforming use. The property consists of approximately 20,000 sq. ft., one-story manufacturing facility.
 - (b) The Applicant proposes to construct a one-story addition, 46 ft. by 119 ft.
 - (c) If the proposal is allowed, the setback on the west side of the property would be 29 ft. 3 in. and at the rear of the property it would be 66 ft.

(d) The lot is irregularly shaped and tapers in the rear.

(e) There now exists approximately 11 parking spaces off Corporate Drive directly in front of the building. If the proposed addition is allowed, seven additional parking spaces will be added.

(f) The primary use for the expended spaces for storage and if the expansion is allowed, no more than three additional employees will be employed there.

(g) Currently there are approximately 17 employees in the facility.

(h) The facility is primarily used for manufacturing and storage and no retail business is carried on nor is the public in any way invited or encouraged to be at the facility. This would not change if the proposed addition were allowed.

(i) The existing storm drainage system will be modified to handle the new impervious services if the expansion is allowed.

(j) The neighborhood in which the facility is located is mixed residential and commercial, primarily commercial.

(k) There have been no expansions of the facility since it was first constructed approximately in 1979.

(l) The Applicant understands that if this expansion is allowed, no further applications can be made for any other expansions.

(m) The property does not border a residential use.

(n) No trees or significant vegetation will be removed in order to construct this addition if permitted.

(o) The present rear yard is 96 ft. The addition proposed will not change the existing side yard of 29 ft. 3 in. The addition if granted would reduce the rear yard by 30 ft. The property is located in two zones, C and OLI with the structure being entirely in the C zone. The proposed rear yard would be acceptable in a C or OLI zone.

(p) The addition if granted would be no higher than 2 ft. over the height of the presently-existing structure.

(q) If the Application were permitted, the minimum access available to fire and to emergency vehicles including fire, police and ambulance would not change from the existing 29 ft. 3 in. The reduction in rear yard would not effect the travel of those emergency vehicles.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the

following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. Practical difficulties prevail in operating the premises or structure in its presently existing, non-conforming manner and the proposed extension or remodeling would constitute reasonable adjustment of the existing, non-conforming use.
2. The proposed extension will not have a deleterious effect on the neighborhood of the premises. Since the structure is removed from the main traveled highway, there would be no additional traffic. Since the property will continue to be operated in the same fashion, the proposed addition does not constitute a nuisance, will be operated in a manner consistent with the present use, will leave significant undeveloped land around it and it will provide additional parking, and does not adversely effect the appearance and condition of the premises.
3. The proposed extension will not be incompatible with or adversely alter the model and character of the neighborhood and neighboring structures nor prejudice the value of adjoining properties.
4. Adequate on-site parking and loading space will be provided for all potential users.
5. The proposed extension or remodeling will not unduly restrict fire and police protection of the premises and of surrounding properties.

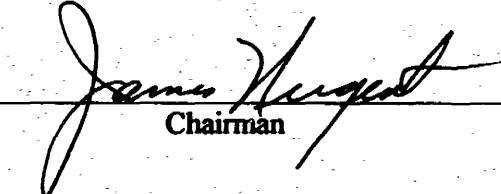
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a variation of Section 48-24B(3) for additional existing, non-conforming uses and interpretation of proposed setback, parking and rear yard, for construction of an additional story onto the existing building located at the above address, in a C and OLI zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 27, 1998.


Chairman

Date 3/18/98, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

| DATE | | | CLAIMED | ALLOWED |
|--------|------------------|--------|---------|---------|
| 3/9/98 | Zoning Board Mtg | | 75 | 50 |
| | Misc - 2 | | | |
| | Minutes - 3 | | | |
| | Smith - 13 | | | |
| | Polylorks - 9 | 40.50. | | |
| | Sharma - 6 | | 148 | 50 |
| | 33 | | | |
| | | | 223 | 50 |

POLYWORKS INC.

MR. NUGENT: Request for finding under Section 48-24(B)(3) for additional existing, non-conforming uses and interpretation of proposed setback, parking and rear yard for building located at 110 Corporate Drive in a C zone.

Mr. Anthony Cappola appeared before the board for this proposal.

MR. NUGENT: Is there anyone in the audience for this? Let the record show that there's no one in attendance.

MR. CAPPOLA: We were referred originally from the planning board to your board here as an interpretation under Section 48-24(B)(3), essentially because this is pre-existing non-conforming use. What Polyworks is, it's essentially a 20,000 square foot one story manufacturing facility currently in use, the owner, Tony Ecciovera (phonetic) in the back right now. We're planning on doing, adding a one story 46 foot wide by 119 foot deep addition compatible with the existing building. This is a percentage wise somewhere between 25 percent and but less than 30 percent of the existing square footage of the building. So I think that is important under the terms of your zoning ordinance in terms of a threshold. There are no hard and fast rules because this is a non-conforming use. So what we have tried to do in terms of the setbacks and parking, the density and the building is essentially work with what we have there. And work with what we feel is compatible with this type of use and other zones that allow this type of use. Essentially, what we have here on the east side of the property, there's a 29 foot setback that is pre-existing, what we're proposing is a minimum setback on the west side of the property of 30 feet and the rear of the property we would be 66 feet and because of the way that the lot tapers in the rear, that is less than what we have right now, but we don't feel it's inconsistent with the other uses for this type. What's existing right now in terms of parking in the front there is approximately 10 or 11 spaces right off Corporate Drive directly in front of the building that seems to work fine for the employee load that is

currently in the building. It's never really an overload in terms of parking. What we're adding on the side yard here is seven additional parking spaces. So we feel that again, that is going to be adequate for the use of the addition which is primarily going to be a storage use to the existing manufacturing which is going out of the 20,000 square foot. Everything else we're doing is basically consistent with what's there right now in terms of the construction of the building, it's a non-combustible building and we'll be matching that in every way and we really feel that this is again, because of the threshold that we're at here between 25 and 30 percent is small enough that it makes sense for the owner, makes sense for the continuing operation of their business, but not large enough where we're essentially trying to cram too much into a pre-existing use. So it is large enough to serve the uses of the owner but we believe certainly compatible with the use that is already existing there right now.

MR. KANE: The addition is going to be added for added storage space?

MR. CAPPOLA: Primarily for storage.

MR. KANE: Are you going to be bringing more personnel into the building?

MR. CAPPOLA: Tony, do you anticipate any more people?

MR. ECCIOVERA: Another three maybe.

MR. CAPPOLA: Possibly three more.

MR. KANE: Three more and you're adding seven more parking spaces so you'll have a total of 18?

MR. NUGENT: Seventeen.

MR. CAPPOLA: Right now, there is 16 or 17 employees over two shifts, correct?

MR. ECCIOVERA: Right.

MR. CAPPOLA: So maybe three or four more employees a

maximum, in addition to what's here right now because they run two shifts, the parking lot's really never full, you never have all your employees there at one time?

MR. ECCIOVERA: No.

MR. REIS: With your expansion of the building and expanding the parking area, is that going to impact your neighbors in any way as far as runoff?

MR. CAPPOLA: No, really the footprint of the building what we'll be doing is there's an existing storm drainage system that collects the water from the existing roof, we'll tie into that for the footprint of the new roof as far as the footprint of this new paved area here, we don't have the contours showing here, but the contours really once you get to the back part of the building really go down quite a bit. So we'll probably end up just shedding a little bit of this water to the side and possibly around but it's not going to come near to impacting the other adjacent use over here, just for this little portion of the lot for what we're proposing.

MR. TORLEY: This is as you say pre-existing non-conforming, right?

MR. CAPPOLA: Correct.

MR. TORLEY: Now, when was the main structure built?

MR. CAPPOLA: I don't know when it built. How long have you been there?

MR. ECCIOVERA: Fifteen years.

MR. CAPPOLA: Do you have any idea when the building was built?

MR. ECCIOVERA: 1979.

MR. TORLEY: '79?

MR. NUGENT: I think before that, wasn't the building

built by, guy's name was Adams?

MR. CAPPOLA: Asking if it was built by somebody named Adams?

MR. ECCIOVERA: Yes.

MR. NUGENT: It was built before that.

MR. TORLEY: The only question I have according to strict reading of code says you can extend it 30 percent from what it was when we passed the code. Have there been any other expansions since then?

MR. CAPPOLA: No, no, there has been no other expansions, they built a perfectly rectangular building, I'm not sure about the loading dock, but that is fairly extremely small. What's there right now is 20,880, what we're adding is 5,482, I think it's, I know it's less than 30 percent, I don't have the exact number, but it's between 25 and 30 percent.

MR. TORLEY: The applicant, you realize that once you have done this, you can't then, 30 percent from the original size.

MR. NUGENT: One shot deal.

MR. CAPPOLA: This would be more or less the maximum that you could go under the, you're allowed to expand up to 30 percent so we're essentially doing that now.

MR. ECCIOVERA: Right.

MR. KANE: With the construction of this, any removal of any trees?

MR. CAPPOLA: No, it's essentially a cleared spot over there, it's fairly flat, it tapers down towards the back of the building, you know, we would, we have, we haven't really proposed anything in terms of landscaping but we'd, you know, listening to this board and going back to the planning board, if they felt screening was applicable, this is another commercial use over here, so you are not bordering a residential

use, I don't think we're going to cut down a single tree.

MR. NUGENT: The entire dotted area that you have on the drawing belongs to this piece of property, correct?

MR. CAPPOLA: Yeah, that is the lot line, it does front on 32, 33 foot there, trying to get my bearings straight, U-Haul is right here, that is U-Haul, that is the carpet place I think and then, but this is not used, that is a paper--

MR. NUGENT: It does belong to that piece of property?

MR. CAPPOLA: Right, the entrance is off Corporate Drive.

MR. TORLEY: Now, we have what about the side yard, any problems with that?

MR. CAPPOLA: Well, again, there's nothing in the code right now, we're 29 foot 3 inches so we're not decreasing that. We're decreasing the existing rear yard, the existing rear yard is 96, we're going down to 66.

MR. TORLEY: And the bulk table requires for C zone?

MR. KRIEGER: Because it's pre-existing non-conforming.

MR. TORLEY: But he's expanding pre-existing non-conforming use, the structure, but if you are increasing the footprint and now are encroaching on side yards or rear yards that you didn't encroach on before, would not that require a variance?

MR. NUGENT: All depends what zone you stick it in.

MR. TORLEY: C, you could do a lot.

MR. NUGENT: Could be OLI.

MR. CAPPOLA: What's the rear yard in OLI, it depends on the different zone.

MR. BABCOCK: Depends on the use too.

MR. TORLEY: Reason I'm asking my position would be that you have got a non-conforming pre-existing use, fine, you can expand 30 percent, but you can't expand it and now take up the side yard that you are required to have and you did have before that you have to because you want to know what the bulk table says, he has to have either for a structure in a C zone, or for the variance, this non-conforming use in a C zone, I think it's virtually no side yard.

MR. BABCOCK: No, there is side yards, I don't have my--

MR. NUGENT: I have it.

MR. TORLEY: This is physically is in a C Zone, side yard's become moot because you don't have to have them but I don't remember what a rear yard is for a C Zone and do you get closer in the back.

MR. CAPPOLA: We're closer in the rear but we're still 66 feet.

MR. TORLEY: I don't remember what the rear yard is.

MR. BABCOCK: It ranges from 30 to 100.

MR. TORLEY: What's the 100?

MR. BABCOCK: Is an elementary school, private schools, veterinary kennels, in general, it's on the order of 60 feet or less. Well, like a motel or, motel is 30 feet, used car lots are 30 feet.

MR. CAPPOLA: This is the kind of thing too that there is also a creek down here, so it's even 66 feet, it's more or less a ravine that goes way down.

MR. NUGENT: Mike, is that C that you were reading?

MR. BABCOCK: That was C.

MR. KRIEGER: So the rear yard NC depends on the use of

the property?

MR. BABCOCK: Right.

MR. KRIEGER: That's why I said it doesn't exist because this use is not permitted in this zone, it's a pre-existing non-conforming use. So therefore, you won't find this use listed in the statute, so you can figure out what the rear yard should be.

MR. BABCOCK: In an OLI zone where manufacturing is, it's a 50 foot requirement.

MR. TORLEY: So he would not conflict.

MR. BABCOCK: Yeah, if you built this in an OLI zone, this use, he would be fine cause he said 60 some feet.

MR. TORLEY: I wanted to establish we weren't encroaching. Entertain a motion?

MR. NUGENT: Yes, I will.

MR. KRIEGER: The addition will be no, have no more stories, be no higher than the present building?

MR. CAPPOLA: We might want to go another two foot again the present building is approximately 22 foot high.

MR. KRIEGER: But it would be within two feet?

MR. CAPPOLA: We would agree within two feet.

MR. KRIEGER: The outside appearance of this addition facade would be consistent with what's there now?

MR. CAPPOLA: Correct.

MR. KRIEGER: The fire and police obviously they are still going to have access from the same way, can they get around the building, how close is the building at its closest point?

MR. CAPPOLA: Well, you have got a 30 foot setback on

the east and well 29 foot 3 inches and then essentially, 30 foot setback on the west, so we're not decreasing really.

MR. KRIEGER: So the closest it would be 30 feet anyway.

MR. CAPPOLA: So, the side yard--

MR. KRIEGER: If it were permitted.

MR. CAPPOLA: Yeah.

MR. KRIEGER: And if I am looking at the, reading the map correctly, this addition, the closest point to the side yard is where the existing structure and it would maintain, this new addition wouldn't be any closer than the existing structure?

MR. CAPPOLA: That is correct, I don't think that would be impacted in terms of access or for emergency equipment.

MR. TORLEY: One thing that you, the creek in the back, do we have any, we're not changing any drainage patterns that might influence it?

MR. CAPPOLA: No, everything from this is going to shed onto the existing or will tie into the existing roof drainage system for the 20,000 square feet.

MR. TORLEY: Which drains where?

MR. CAPPOLA: Eventually drains out, there is a catch basin in Corporate Drive.

MR. TORLEY: Okay.

MR. KRIEGER: And all of the neighbors around this property are commercial?

MR. CAPPOLA: Yes, all the adjoining neighbors are commercial uses.

MR. NUGENT: If there's no further questions, I'll

March 9, 1998

26

accept a motion.

MR. TORLEY: I move we give Polyworks, Inc. their request variance for a finding under Section 48-24(B)(3) and their addition is consistent with that paragraph.

MR. REIS: Second it.

ROLL CALL

| | |
|------------|-----|
| MR. KANE | AYE |
| MR. REIS | AYE |
| MR. TORLEY | AYE |
| MR. NUGENT | AYE |
| MS. OWEN | AYE |

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

Phelim:
Oct. 27, 1997
#9739

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 97-30

DATE: 17 SEPT 97

APPLICANT: POLYWORKS INC.
3012 WINDSOR HWY
NEW WINDSOR NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 7 AUG '97

FOR (~~SUBDIVISION~~) - SITE PLAN) _____

LOCATED AT CORPORATE DRIVE. (off Rt. 32 in back of U-Haul)
ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 35 BLOCK: 1 LOT: 54.21

REFERRED
IS ~~DISAPPROVED~~ ON THE FOLLOWING GROUNDS: _____

1) FINDING UNDER 48-24(B)3 FOR ADDITION TO EXISTING
NON-CONFORMING USES.

2) INTERPRETATION REGARDING PROPOSED SETBACK AND
PROPOSED PARKING.

[Signature]
MARK J. DEAN PE For
MICHAEL BABCOCK,
BUILDING INSPECTOR

REQUIREMENTSPROPOSED OR
AVAILABLEVARIANCE
REQUESTZONE C USE EXIST.
NON-CONF.

MIN. LOT AREA

MIN. LOT WIDTH

REQ'D FRONT YD

REQ'D SIDE YD.

REQ'D TOTAL SIDE YD.

REQ'D REAR YD.

REQ'D FRONTAGE

MAX. BLDG. HT.

FLOOR AREA RATIO

MIN. LIVABLE AREA

DEV. COVERAGE

%

O/S PARKING SPACES

%

%

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

POLYWORKS AMENDED SITE PLAN (97-30) CORPORATE DRIVE

Anthony Coppola appeared before the board for this proposal.

MR. COPPOLA: Mr. Chairman, the owners would like to put a 5,485 square foot addition to an existing building 20,800 square foot building. What the situation is, this is an existing -- a pre-existing non-conforming use. It's a manufacturing use in the C zoning district.

MR. PETRO: So you're about 30 percent. Mike -- or Mark?

MR. EDSELL: Excuse me?

MR. PETRO: You can add 30 percent to a non-conforming use?

MR. EDSELL: Yes. You are allowed up to 30.

MR. COPPOLA: We are below that threshold.

MR. EDSELL: 26, that's what they're at. They are proposing 26 and they are allowed 30 adding per Section 48-24(B)3.

MR. COPPOLA: So because this use is not allowed zone, we're looking for a little guidelines as far as the board as far as setback and also regards to parking. With regard to the setback, what we have is on the corner that's closest to Route 32 there is an existing setback that's 29 foot 3 inches. For the new addition we're proposing the closest setback of 30 feet. So we're basically not increasing the side yard setback at that point. As far as the parking goes, again, there are no clear guidelines because it's use is not allowed in the zone. But what we propose is the following: Essentially they run two shifts over there, they have an existing parking lot out in front that I'm not really sure it's striped right now but what I have shown is basically striping for that parking lot a total of 10 existing parking spaces that are there. They run on their shift the maximum number of employees is 16.

MR. PETRO: What are they going to use this extra space for?

MR. COPPOLA: Storage. They are relocating the one of

their overhead doors to the side and that's primarily what the use is going to be for.

MR. PETRO: Another thing, Anthony, you've got to have a location map on this plan because I'm not sure I know where this is.

MR. COPPOLA: It's behind U-Haul on Route 32, Corporate Drive.

MR. LANDER: Right up the road from me. The U-Haul is there.

MR. PETRO: Yeah, the Volkswagen place is up the road.

MR. COPPOLA: We'll make sure we include that site location map. So basically what we're proposing in terms of parking is seven new additional spaces which would kind of more than offset the pre-existing spaces. And what we've done as far as the parking calculation is show a half space per employee on the maximum shift. That's 16 times half, which would be eight and one space per thousand square feet which is a total of five. So basically that adds up to 13 spaces required under that scenario. We are providing 17. In reality, my understanding is that there really isn't a parking problem there right now. Any time I've been there they have always had parking available.

MR. PETRO: Mark, the corner -- as far the 30 feet and the 29 feet, I don't particularly have a problem with that, it's conformant with the other side, but what about a height variance?

MR. EDSELL: Again, it's not a permitted use so there is no guideline to tell us what they should have.

MR. LUCAS: But it's not going higher than the existing?

MR. COPPOLA: Probably the intent would be to match the existing.

MR. LANDER: Do you we know what the height of the building would be? It says one-story.

MR. COPPOLA: It's one-story. I would guess you're talking 22, 24 feet.

MR. PETRO: I still don't understand why it wouldn't

need a height variance.

MR. EDSELL: Maybe I can help out here. One of the items that Mike and I were discussing is that under the Section I referenced with the 30 percent, to have benefit of that portion of the Code you need to have findings determined by ZBA. So they've got to go to the ZBA for findings to be allowed to make the expansion of the non-conforming use. And while we're there, maybe the ZBA can tell us if they believe a height variance is needed.

MR. PETRO: The findings being the same as determination, is that what you're trying to say?

MR. EDSELL: Well, it's like interpretation.

MR. PETRO: Interpretation.

MR. EDSELL: The findings have specific items that the ZBA have to look at occurring as being applicable to the site. It's not the same as a variance.

MR. PETRO: Why don't we put them on under ZBA referrals then?

MR. EDSELL: Because we weren't sure under 2 if you wanted to send it to them and under Comment 1, Mike, just pointed that requirement out to me.

MR. PETRO: Under Comment 1 -- say it again.

MR. EDSELL: I'm saying under Comment 1, that Section 48-24 of the Code, Mike just pointed out that to take advantage of that Section, you need the findings from the ZBA.

MR. PETRO: So it's no long in our hands.

MR. EDSELL: So we have to send them to the ZBA for that at least so we might as well send them over and ask for them to explain --

MR. PETRO: Interpretation of the height, also.

MR. EDSELL: -- on the height and the setbacks and the parking spaces. Have them go on record saying yes or no if they need a variance.

MR. PETRO: With that in mind, --

MR. COPPOLA: Okay, I just don't want to be referred to the ZBA that specifically asks for variances on a number of items. In other words, cause then that makes it much tougher. See what I'm saying? If I'm referred to them as a matter of interpretation on a number of items, then I think I have a better chance with that.

MR. PETRO: Well, I would say the interpretation for the sideyard being that it's going to match up with the other one and the height of the building. I don't know how high the building is, you'd have to figure it out. What is it per foot, Mike, from the sideyard, eight inches?

MR. EDELL: Again, there is no -- it's not allowed to be there for that use.

MR. PETRO: So that's what they're going to tell us. You're going to go basically for those two items and what else?

MR. EDELL: For those two items plus the height which you added plus the findings from 48-24.

MR. PETRO: Aside from that, Gentlemen of the planning board, conceptually does anybody have a problem with this plan? Can I have a motion to approve?

MR. DUBALDI: So moved Mr. Chairman.

MR. LANDER: Second.

MR. PETRO: Motion has been made and seconded that the New Windsor planning board approve the Polyworks Site Plan Amendment of 302 Windsor Highway. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. DUBALDI: NAY
MR. STENT: NAY
MR. LANDER: NAY
MR. LUCAS: NAY
MR. PETRO: NAY

MR. PETRO: At this time you've been referred to the New Windsor Zoning Board for interpretation and necessary variances as required. Once you've received

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them and put them on your map, you can then come back to this board and we will look at your plans.

MR. COPPOLA: Thank you.

In the Matter of the Application for Variance of

#97-39

AFFIDAVIT OF SERVICE BY MAIL

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That on 2/24/98, I compared the 23 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
24 day of Feb., 1998.

Marjorie Hataling
Notary Public

MARY ANN HOTALING
Notary Public, State of New York
No. 01H05062877
Qualified in Orange County
Commission Expires July 8, 1998



TOWN OF NEW WINDSOR
ASSESSOR'S OFFICE

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553-6196
Telephone: (914) 563-4633
Fax: (914) 563-4693

November 12, 1997

(23)

Mr. Anthony Coppola
175 Liberty Street
Newburgh, NY 12550

Re: Tax Map Parcel #35-1-54.21 - Poly Works, Inc.

Dear Mr. Coppola:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's office.

Sincerely,

Leslie Cook /po
LESLIE COOK
Sole Assessor

/po
Attachments

CC: [REDACTED]

Lander, Francis A. & Clara A.
276 Windsor Highway
New Windsor, NY 12553

Long Hing Corp.
c/o Michael J. Tighe, Nominee
R2 Box 47
Garrison, NY 10524

Kuprych, Stephen R. & Faith A.
60 Saddleback Ridge
Wallkill, NY 12589

Cavalari, Agnes E.
89 Bethlehem Rd.
New Windsor, NY 12553

Rollo, G. Scott & Lisa
287 Windsor Highway
New Windsor, NY 12553

Temple Hill Manor LA
450 Challenger Rd.
Cape Canaveral, FL 32920

Bordon, Seymour & Terri E.
c/o Carpet Mills Outlet
294 Windsor Highway
New Windsor, NY 12553

Amerco Real Estate Co.
PO Box 29046
Phoenix, AZ 85038

Guerriero, Aniello & Maria
306 Windsor Highway
New Windsor, NY 12553

D & D Brothers Partnership
310 Windsor Highway
New Windsor, NY 12553

Roadway Express, Inc.
1077 Gorge Blvd., Attn: State Tax Dept.
Akron, OH 44309

Windsor Highway Realty Corp.
176 New Windsor Highway
N. Amityville, NY 11701

Route 32 Associates
c/o Daniel Rubin Co.
147-39 175th St.
Jamaica, NY 11434

Marino, Anne
293 Windsor Highway
New Windsor, NY 12553

KLJ Corporation
PO Box 4520
New Windsor, NY 12553

Gorton, Thomas E. & Gladys P.
297 Windsor Highway
New Windsor, NY 12553

Gerald S. Hecht Liv. Tr.
W/Gerald S. Hecht & Helaine J. Hecht, Tr.
25 Ona Lane
New Windsor, NY 12553

McKeon, Frank & Alma
301 Windsor Highway
New Windsor, NY 12553

Pavignano, Robert
Ridge Terrace
Central Valley, NY 10917

Masloski, Joseph & Genevieve
24 Lannis Ave.
New Windsor, NY 12553

Leone & Sons, Inc.
Mineral Springs Rd.
Highland Mills, NY 10930

Trizinsky, Edward J. & Loretta
309 Windsor Highway
New Windsor, NY 12553

Washington Green
Board of Directors
c/o Emerald Mgmt.
PO Box 268
2299 Route 9N
Fishkill, NY 12524

To: Pat Barnhart
From: Anthony Coppola
Tel: 561-3559

Pls. publish immediately. Send bill to Anthony
Cappola at.
175 Liberty St.
Newburgh, NY
12550.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New York, will hold a Public Hearing
pursuant to Section 48-34A of the Zoning Local Law on the
following Proposition:

Appeal No. 97-39

Request of POLYWORKS INC.

for a VARIANCE of the Zoning Local Law to permit:

Construction of a new addition to an existing manufacturing business at Polyworks
Inc.

being a VARIANCE of Section 48-24(B)3 - Nonconforming Uses and Buildings;

for property situated as follows:

110 Corporate Drive , New Windsor, N. Y. 12553

known as tax lot Section 35 Block 1 Lot 54.21

SAID HEARING will take place on the 9th day of March,
1998, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

JAMES NUGENT
Chairman

By: Patricia A. Barnhart, Secy.

Date 11/1/17, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 168 North Drury La DR.
Newburgh Ny 12550

| DATE | | | CLAIMED | ALLOWED |
|----------|----------------------------|-----------|---------|---------|
| 10/27/17 | Zoning Board Mtg | | 75 00 | |
| | Misc - 1 | | | |
| | Walsh - 4 | | | |
| | Jaczk - 2 | | | |
| | Vandermas - 2 | | | |
| | Mobil Oil - 6 | | | |
| | Polyworks - 9 | \$40.50 | | |
| | Hannone - 3 | | | |
| | Metaling - 2 14 | | | |
| | Franklin/Destinta - 8 | | 243 00 | |
| | | <u>54</u> | | |
| | | | 318 00 | |

POLYWORKS, INC.

MR. NUGENT: Request for interpretation concerning Section 48-24(B)3 of Zoning Code - expansion of existing non-conforming use and proposed setback and parking for location on Corporate Drive (off Rt. 32 to the rear of U-Haul) in a C zone.

Mr. Anthony Cappola appeared before the board for this proposal.

MR. CAPPOLA: Good evening. We were referred by the planning board. We were at the last planning board meeting in August. Essentially, what this is, this is an existing manufacturing facility Polyworks, Inc. It's off Corporate Drive which is off Route 32 in the town. There's an existing one story block building about approximately 20,808 square feet. Parking is currently parking in front for approximately ten cars, there's a loading dock on the side kind of an odd looking configured lot. Essentially, what the owners would like to do is to expand their business to the one story addition essentially the same height as the existing building of approximately 5,482 feet. Footprint would be 46 x 119 and with a small overhead door off the side there or off the front of the new addition. So I guess we're looking for an interpretation. We're in a C zone. This is a pre-existing non-conforming use in the zoning ordinance. There is really no guidelines for setbacks and those types of things that you normally find on the bulk table. I believe there is a provision and Mike would know more about this about being under a threshold of expanding a pre-existing business by 30 percent so we're by square footage wise we're expanding this at 26 percent. So after that I guess we're looking basically for an interpretation.

MR. NUGENT: 30 percent in a C zone.

MR. BABCOCK: Yes, I think it's a finding, Andy, under 4824 it's got to be a finding of the ZBA.

MR. KRIEGER: Yes, I'm looking, yes, and there are certain criteria set forth in that statute as to what

the board of appeals has to find as opposed to the standard criteria. Those would be the criteria that the zoning board would have to work under and address at any public hearing.

MR. BABCOCK: Right.

MR. KRIEGER: Now, what's the status with respect to the setback?

MR. CAPPOLA: Well, what we're proposing really is just a 30 foot setback, there's a pre-existing setback on the east side of the property of 29 foot three inches. What we're proposing essentially on the west side of the property is 30 foot. But again, that is, you know, just kind of go with what's existing or not increase I guess not increase the pre-existing setback.

MR. KRIEGER: Non-conformity.

MR. CAPPOLA: Right, but in other words, there is nowhere in the zoning ordinance where it states that this is what the minimum setback should be.

MR. BABCOCK: This building use is not permitted in a C zone, so there's no regulations for it. It's a non-conforming use because it's been there before zoning so on the, facing the building on the right-hand side, he's got a side yard of 29 foot three inches. So he wants to maintain that on the left-hand side as 30 feet. So he's not increasing the side yard. There is no side yard requirement cause it's not allowed to be there to today's zoning. The parking calculation he went back into the parking regulations and used the parking regulations for this building but they really don't apply cause it's not in the right zone, so that is what we need you gentlemen to say that I guess we're using the right calculations.

MR. KRIEGER: So it's both an interpretation and a variance, I don't know if we can talk about the variance or no, actually, that becomes part of the interpretation, what the zoning board will need to know on the date of the public hearing is with your proposed setbacks, how they compare with other uses which are

allowed in the zone, then not now.

MR. CAPPOLA: A manufacturing use?

MR. KRIEGER: Correct.

MR. TORLEY: What setbacks are required in the--

MR. KRIEGER: No buildings that are allowed in the zone because what it is going to have to be is part of the board's interpretation and I'm anticipating that the board will need to know that or want to know that before voting so how this compares with other.

MR. CAPPOLA: It would be other commercial buildings but not manufacturing, correct?

MR. KRIEGER: Exactly, but I'm sure that the board would like if it's wildly at variance with the existing requirements for permitted uses in the zone, I'm sure that is something that the board would like to know or not.

MR. CAPPOLA: Okay.

MR. TORLEY: Mike, what's the usual side yard requirement in the C zone?

MR. BABCOCK: There is probably 17 different ones, I don't have the table with me.

MR. CAPPOLA: It varies by use.

MR. BABCOCK: They vary by each use, you know, a hotel is different than a car wash than a, you know, there is 17 different items.

MR. NUGENT: There is a lot of area that you have in the rear of the building, this belongs to this property.

MR. CAPPOLA: Yes, we don't have the topo over here but this goes down quite a bit back here and there's some type of waterway that is down at the bottom of the hill so there is really nothing to be used back here once

you're in the back of the building basically, the existing building in the area over here is relatively flat on three sides and then this I guess was just an original--

MR. NUGENT: Right-of-way.

MR. CAPPOLA: Right, but that is not in use either, I mean it says U-Haul, it's basically on the building line if you were to see it so they don't use that.

MR. REIS: U-Haul is your contingent neighbor to the east?

MR. CAPPOLA: Yes.

MR. REIS: Anthony, what do they manufacture in this company?

MR. CAPPOLA: I believe they manufacture, I don't want to say exactly plastic, I know it's plastic products, I think it's for use in plastic products, use by the other manufacturing concerns. So I'm not a hundred percent sure. I don't want to say but it's primarily plastic products. I will say that.

MR. REIS: What's the neighbor to the back of this?

MR. CAPPOLA: On the west side, I'm not sure, it's, I think it's another light manufacturing concern over there, too, if, you know, Corporate Drive that is kind of what that is there. This use is not out of character with Corporate Drive.

MR. REIS: That is the point I'm making.

MR. BABCOCK: Mr. Chairman, I don't know but I think Anthony might be able to tell us now looking at this plan the rear yard almost is decreasing, isn't it?

MR. CAPPOLA: It would be off that corner, yes.

MR. BABCOCK: So I think we should add that to this application so we get everything covered, it's added.

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MS. BARNHART: No, you can add it right now.

MR. CAPPOLA: Okay.

MR. BABCOCK: Well, the problem is I don't know that number, I'm going to need that number.

MS. BARNHART: Mike, if you don't have the number, you can give it to me in the morning. I will just add on here that we need an amended.

MR. BABCOCK: Yes.

MR. REIS: This is not going to impact your neighbors in any way?

MR. CAPPOLA: Not really, no, they are a good distance away. It's a pre-existing one story building, what he's adding on is really 26 percent over what he has got there, so it's not, he's not doubling the size of what he's got there.

MR. REIS: Not going up higher?

MR. CAPPOLA: No, going to match the same height. That was another issue the height of the building in relation to the lot line. Again, we would just go by other comparable use allowed in that zone.

MR. TORLEY: The building that exists now, has that been expanded since the zoning?

MR. CAPPOLA: I don't believe so, not that I know of, it's a perfect, you know, it's a rectangular building.

MR. BABCOCK: I have no idea according to this file.

MR. CAPPOLA: He did get site plan approval on I believe a couple years ago for a piece of equipment in the rear.

MR. BABCOCK: Yeah, that is the rectangle back there.

MR. TORLEY: The reason I'm asking that if it's a certain size when zoning came in, he's already expanded

30, you can't come back and say you want to expand another 30.

MR. BABCOCK: I don't think that code reads that way, doesn't say it's a one time thing, right?

MR. TORLEY: Otherwise, you can keep expanding forever.

MR. BABCOCK: As long as this board makes a finding, I think he can do that according to that code.

MR. KRIEGER: Yes, he can apply for that. Whether he can do it or not is up to the zoning board of appeals.

MR. CAPPOLA: If you look at the footprint of the building, it's a rectangle, I don't really see how they can.

MR. KRIEGER: I might also add particularly comes up in this type of variance, the Zoning Board of Appeals the members should remember that they can condition any approval that they grant, they can place reasonable conditions and you can condition in time, I think you can also place, I think it's also a reasonable condition to require the applicant not to apply for expansion certainly within a certain stated period of time.

MR. CAPPOLA: I don't think they are looking to do that. So essentially what I am getting is we're going to make an argument based on other commercial uses in that zone.

MR. KRIEGER: Based on the criteria that is set forth in the statute and if you will see Pat later on during the week, whatever, she'll give you a copy of the statute, the standards are unlike an area variance or use various, the standards are set forth here.

MR. CAPPOLA: It's not the other criteria that would be like a standard variance.

MR. KRIEGER: No, not the normal area variance or use variance criteria which you may be familiar with, in this case, the criteria as is set forth in the statute

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itself and you'll need to keep a copy of the applicable town statute and follow that and as I say making your presentation, I assume the members of the board are going to, for decision purposes, are going to want to know how this proposed use if permitted this proposed building is permitted as compares with other standards in the zone and particularly how it compares with the buildings around it.

MR. CAPPOLA: Okay.

MR. TORLEY: For example, parking is a specific amount.

MR. CAPPOLA: All right, so we'll read through that and make an argument.

MR. REIS: Do you have to expand the parking area as well?

MR. CAPPOLA: We're proposing that, right now he's got some parking in the front of the building, he may fit ten cars, we're proposing to add another seven cars, he plans two shifts over there, the most amount of employees he has there at one time is 16, I believe we calculated out, you'll find calculation for parking for the numbers number of employees and the square footage. But again, he really doesn't have a problem with parking right now, we're adding, he's making, we're adding seven. So no, I think we're okay.

MR. KRIEGER: Whichever standard is applied.

MR. CAPPOLA: Yes, I believe we well.

MR. KRIEGER: Set that forth please.

MR. TORLEY: If you find you meet that standard let us know so you can put that in the requested variance as well.

MR. CAPPOLA: Okay, what I have to meet both either or residential either or--

MR. KRIEGER: Yeah, since it isn't clear which applies and certainly for comparison purposes.

MR. TORLEY: I think you need to meet the most restrictive.

MR. BABCOCK: Well, any feeling about the parking that he is using the calculation for this building as if it was in the right zone, so if he built this building anywhere else in town, that is the parking that would be required. So we should make the same parking for the building no matter where it is in town, right?

MR. TORLEY: That would be logical, may not be able to do it but that is logical.

MR. BABCOCK: Well, he does it.

MR. CAPPOLA: I think he would fail on that cause I think he would fail because if we were to go back and use the whole 20,000 square foot, it's probably one per 200 square feet.

MR. BABCOCK: Not in warehouse, warehouse is one per one thousand.

MR. CAPPOLA: Well, it's manufacturing.

MR. BABCOCK: Okay, you're going to need to do that cause that is what we're asking, I thought you did that already.

MR. CAPPOLA: Well, there is two calculations there but again, I really don't know when I did that, what criteria I was using so I just laid out two different ways but if it's--

MR. BABCOCK: You're adding the parking for just the addition 5,000 square foot.

MR. CAPPOLA: I'm doing it per employee first 16 employees and half space per employee equals 8 then I'm showing the addition on a square footage basis a thousand square feet per one thousand so one thousand would be for--

MR. BABCOCK: I think what they are saying is do it

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both ways.

MR. NUGENT: Any other questions? If not, I'll accept a motion.

MR. TORLEY: Mr. Chairman, I move we set up Polyworks, Inc. for a public hearing in regards to their requested interpretation and variances.

MS. OWEN: Second it.

ROLL CALL

| | |
|------------|-----|
| MR. REIS | AYE |
| MS. OWEN | AYE |
| MR. TORLEY | AYE |
| MR. NUGENT | AYE |

MS. BARNHART: You have a proxy on file?

MR. CAPPOLA: With the planning board we do. You said 4824 of the zoning ordinance?

MR. KRIEGER: 4824 (B) as in boy 3.

MR. CAPPOLA: Okay, all right, I think I have got a copy of it, thank you.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

99-39

Date: 12/20/98

I. ☒ Applicant Information:

- (a) Polyworks Inc., 302 Windsor Highway, New Windsor, NY 565-7772
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) Anthony J. Coppola, Architect, 175 Liberty St., Newburgh, NY 561-3559
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☒ Interpretation

III. ☒ Property Information:

- (a) C 302 Windsor Highway 35/1/54.21 2.36 acres
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? Highway Commercial
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? Yes
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: None
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes ___ No ___.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. ☒ Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section ____, Table of _____ Regs., Col. _____.

This is a pre-existing non-conforming use within this zone.

| <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|------------------------------|------------------------------|-------------------------|
| Min. Lot Area _____ | 102,774 SF | _____ |
| Min. Lot Width _____ | 250 ft. | _____ |
| Reqd. Front Yd. _____ | 52.7 ft. | _____ |
| Reqd. Side Yd. _____ | 30'-0" | _____ |
| Reqd. Rear Yd. _____ | 95 ft. | _____ |
| Reqd. Street Frontage* _____ | NA | _____ |
| Max. Bldg. Hgt. _____ | 28 ft. | _____ |
| Min. Floor Area* _____ | NA | _____ |
| Dev. Coverage* _____ % | NA | _____ % |
| Floor Area Ratio** _____ | _____ | _____ |
| Parking Area _____ | _____ | _____ |

* Residential Districts only

** No-residential districts only

☒ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

| | <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|--------|---------------------|------------------------------|-------------------------|
| Sign 1 | _____ | _____ | _____ |
| Sign 2 | _____ | _____ | _____ |
| Sign 3 | _____ | _____ | _____ |
| Sign 4 | _____ | _____ | _____ |
| | _____ | _____ | _____ |

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

✓ VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law, Section 48-24(B)3, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

- This is a manufacturing use in a pre-existing building in a C zone.
- The applicant proposes a small expansion (see site plan) which would be less than 25% of the existing floor area. All setbacks and other zoning issues would be consistent with this type of use in a zone which allows it.

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

— All new work to be completed according to the site plan submitted and approved by
 — the planning board. This application is an expansion of a pre-existing
 — non-conforming use which will not adversely effect the surrounding properties.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 150.00 and the second check in the amount of \$ 500.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 1-28-98

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Karna E. Pres.
 (Applicant)

Sworn to before me this

28 day of January, 1998.

MARIA SPILLOTIS
 Notary Public, State of New York
 Qualified in Orange County
 Registration No. 01SP5080368
 Commission Expires June 16, 1999

XI. ZBA Action:

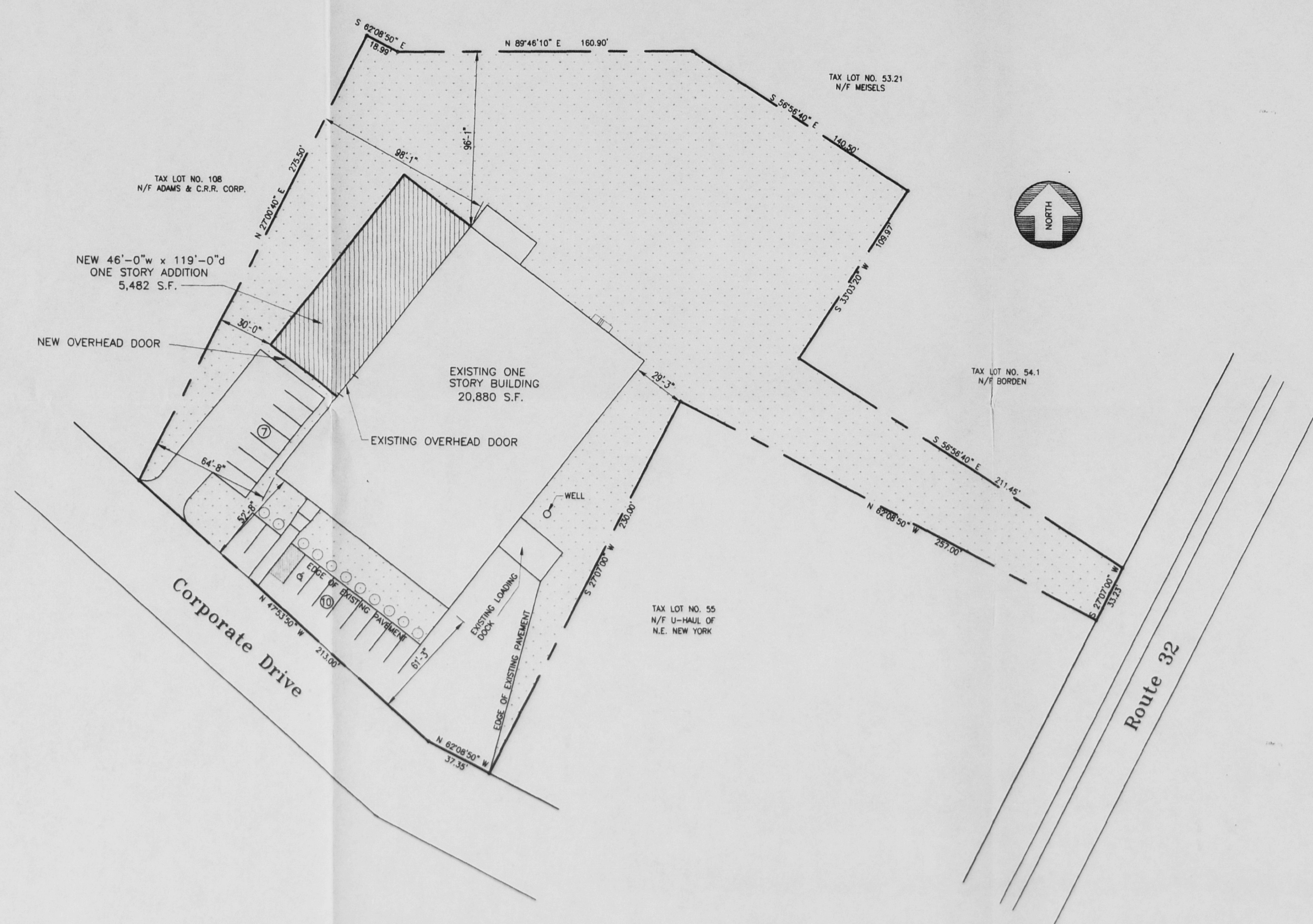
(a) Public Hearing date: _____

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)



1 Preliminary Site Plan
SP1 Scale: 1"=40'-0"

| Requirements for C Zoning District (Design/Shopping) | | |
|--|----------|--------------|
| Town of New Windsor, N.Y. | | |
| Requirements | Required | Actual |
| Minimum Lot Size | NA | 102774.7 SF |
| Lot Width | NA | 250.35 Feet |
| Front Yard Setback | NA | 52.7 ft. |
| Rear Yard Setback | NA | 95 ft. |
| Side Yard Setback | NA | 30 ft. total |
| Max. Building Height | NA | 28 feet |
| Required Street Frontage | NA | NA |
| F.A.R. Ratio | NA | 0.25 |
| Development Coverage | NA | NA |
| Off Street Parking | NA | 17 |

Site Plan Notes:

- This project is for an addition to Polyworks Inc., on Corporate Drive, in the Town of New Windsor. The existing building is being used for manufacturing which is a pre-existing non-conforming use.
 - The existing gross square feet of the building is 20,880. The proposed gross square feet of the addition is 4,824. This is under the 30% maximum limit set by the zoning ordinance
 - The total number of floors is one
- The project applicant is Polyworks Inc., c/o Tony Echevarria, 19 Dogwood Lane, Marlboro, NY 12542
- Boundary, and Lot information from a survey by A.R. Sparaco, L.S., dated 8/26/92 and 6/3/83.
- Off street parking calculated as follows:

One space for each two employees:
One space for 1000 SF of Storage (New addition):

(16) employees x 1/2 = 8 spaces
(5000/1000) x (1) = 5 spaces
Total Required Spaces = 13 spaces
Total Proposed Spaces = 17 spaces

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License Number: 018849

Building Addition For
Polyworks
Town of New Windsor, New York

Revisions

Drawn By:
D.Z.
Date:
6/1/97

SCALE:
AS NOTED

PROJECT NUMBER
97-32

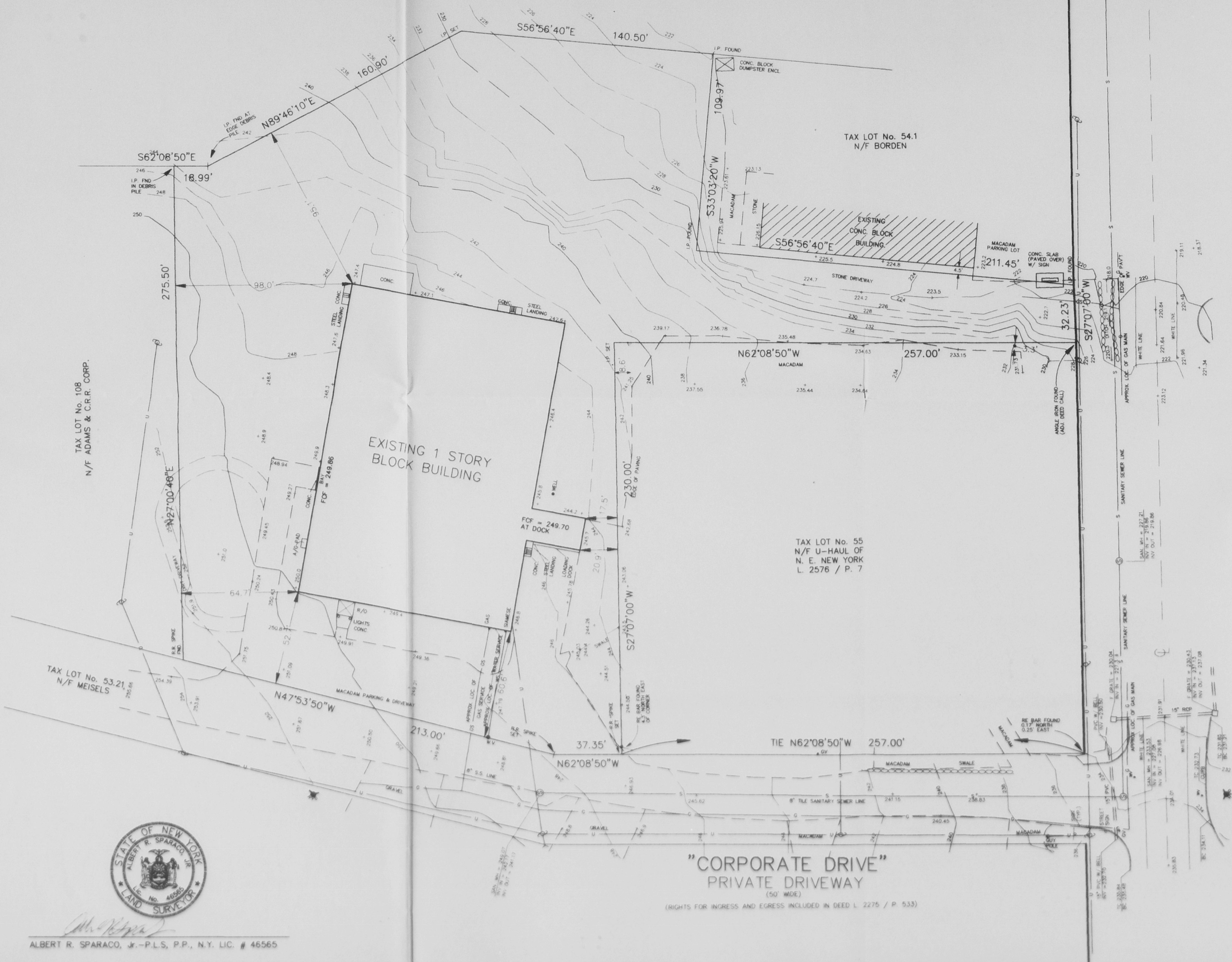
Sheet No.
SP1
OF 1

SITE PLAN

UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY FROM AVAILABLE INFORMATION. THE CONTRACTOR SHALL CALL THE LOCAL UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION TO HAVE ALL UNDERGROUND UTILITIES MARKED IN THE FIELD PRIOR TO ANY CLEARING OR CONSTRUCTION. THE CONTRACTOR SHALL ALSO VERIFY THE LOCATION, SIZE, AND ELEVATION OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION. ANY UTILITY FOR WHICH NO EVIDENCE CAN BE SEEN ON THE SURFACE OF THE LANDS MAY NOT BE SHOWN ON THIS DRAWING.

NOTE: WATER MAIN NOT LOCATED

FILED MAP No. 5248
"MINOR SUBDIVISION OF ALFRED FRIEDMAN"
TAX LOT No. 53.21
N/F MEISELS



BEING TAX LOT No. 54.21, AS SHOWN ON
BLOCK No. 1, SECTION No. 35 OF THE
TOWN OF NEW WINDSOR TAX MAP.
AREA = 102,774± S.F.
(OR) 2.3594± Ac.

WINDSOR HIGHWAY - ROUTE No. 32
S.H. No. 9033

TOPOGRAPHIC SURVEY PREPARED FOR

POLYWORKS

TOWN OF NEW WINDSOR * ORANGE COUNTY * NEW YORK
SCALE: 1" = 30' DATE: OCT. 6, 1997

A. R. SPARACO, JR. - P.L.S., P.P.
LAND SURVEYING * SUBDIVISIONS * SITE PLANNING
POMONA AND NEW PALTZ, N.Y.
PHONE (914) 362-1966



ALBERT R. SPARACO, JR. - P.L.S., P.P., N.Y. LIC. # 46565